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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,128 06/07/2001		06/07/2001	Alan W. Reichow	2242-59212/MDJ 2802	
24197	7590	03/19/2003			
•		RKMAN, LLP	EXAMINER		
121 SW SA SUITE 1600	)			SUGARMAN, SCOTT J	
PORTLANI	O, OR 97	204		ART UNIT	PAPER NUMBER
				2873 DATE MAILED: 03/19/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Scott J. Sugarman		Application No.	Applicant(s)	_					
Examiner    Scott J. Sugarman   2873   2873   2873   2873   2874   2875	•								
Scott J. Sugarman  2873  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the paried for reply specified store is feet than their (20) days, an apply within the statutory minimum of their (20) days will be considered timely.  If the paried for reply specified store is feet than their (20) days, an apply within the statutory minimum of their (20) days we the considered timely.  If the paried for reply specified store is feet than their (20) days, an apply within the statutory minimum of their (20) days we the considered timely.  If the paried for reply specified store is feet than their (20) days, an apply within the statutory minimum of their (20) days we the considered timely.  If the paried for reply specified store is the statutory reply within the statutory minimum of their (20) days we the considered timely.  If the paried for reply specified store is the statutory reply within the statutory minimum of their (20) days we the considered timely.  If the paried for reply specified store is feet than their (20) days, and provide any section of their communication.  Responsive to communication(s) filled on	Office Action Summary			_					
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THE MAILING DATE OF THIS COMMUNICATION.  Editables of time may be available under the provisions of 3 CPR 1 13(6). In no event, however, may a reply be timely filed after 50 K (6) MONTHS from his mailing date of this communication.  It NO period for reply respected by the Morties drawn and authors precise via pay and will eaple 5 K (6) MONTHS from his mailing date of this communication.  Fallure to reply within his set or catendad pariotic for reply will, by attailute, cause the application to become ARANDONED (35 U.S.C. § 133).  Any reply received by the Office after than therein communication.  Fallure to reply within his set or catendad pariotic for reply will, by attailute, cause the application to become ARANDONED (35 U.S.C. § 133).  Any reply received by the Office after than therein communication.  Fallure to reply within his set or catendad pariotic for reply will, by attailute, cause the application to become ARANDONED (35 U.S.C. § 133).  Any reply received by the Office after than therein common and the communication.  Any reply received by the Office after than therein common and the communication.  This action is FINAL.  2b) This action is FINAL.  2b) This action is FINAL.  2b) This action is finance.  2a) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-33 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 1-33 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 1-33 are subject to restriction and/or election requirement.  Application Papers  9) The precification is objected to by the Examiner.  10) The drawing(s) filed on is/are allowed.  11) The proposed drawing correction filed on is/are allowed.  12) The oath or declaration is objected to by the Examiner.  11 approved, corrected drawings are req									
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	1. Certified copies of the priority document	s have been received.							
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	Attachment(s)								
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informa							

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-25 and 27-33, drawn to a viewing filter and a method of selecting a viewing filter, classified in class 351, subclass 163.
- II. Claim 26, drawn to a golf ball, classified in class 473, subclass 378.

  The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed can be practiced with another materially different product such as a baseball.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/878,128

Art Unit: 2873

A telephone call was made to Mr. Jones on March 17, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott J. Sugarman whose telephone number is The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9318 for regular communications and (703)872-9319 for After Final communications.

Application/Control Number: 09/878,128

<sup>a</sup>Art Unit: 2873

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Scott J./Sugarman Primary Examiner Art Unit 2873

sjs March 17, 2003